

DMP:SSA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

PHILIP GRILLO,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF COLUMBIA

(Fed R. Crim. P. 5)

Case No. 21-M-217

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EASTERN DISTRICT OF NEW YORK, SS:

THOMAS RIORDAN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the Joint Terrorism Task Force (“JTTF”), duly appointed according to law and acting as such.

On or about February 21, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of PHILIP GRILLO in connection with a complaint charging him with violating the following statutes: 18 U.S.C. § 1752(a)(1) and (2) (unlawful entry on restricted buildings or grounds); 18 U.S.C. § 1512(c)(2) (obstruction of justice); and 40 U.S.C. § 5104(e)(2)(D) and (G) (violent entry and disorderly conduct on Capitol grounds).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about February 21, 2021, the United States District Court for the District of Columbia issued an arrest warrant commanding the arrest of PHILIP GRILLO in connection with a complaint charging him with violating the following statutes: 18 U.S.C. § 1752(a)(1) and (2) (unlawful entry on restricted buildings or grounds); 18 U.S.C. § 1512(c)(2) (obstruction of justice); and 40 U.S.C. § 5104(e)(2)(D) and (G) (violent entry and disorderly conduct on Capitol grounds). Redacted copies of the arrest warrant, Complaint and underlying statement of facts are attached as Exhibit A.

2. As described in the underlying statement of facts attached within Exhibit A, PHILIP GRILLO is depicted in photographs and video surveillance footage inside and outside the U.S. Capitol on January 6, 2021, wearing a distinctive Knights of Columbus jacket. Two individuals contacted the FBI tipline and stated that they knew PHILIP GRILLO and identified him on the video footage.

3. On or about February 22, 2021, JTTF agents arrested the defendant PHILIP GRILLO in Glen Oaks, New York, pursuant to the warrant for his arrest. I have compared the person depicted in photographs and video footage of "Philip Grillo" at the United States Capitol on January 6, 2021, that are contained in the Complaint and statement of facts with the defendant PHILIP GRILLO, and I believe they are the same person.

¹ Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for removal, I have not described all of the relevant facts and circumstances of which I am aware. I am familiar with the facts and circumstances set forth herein from my own participation in the investigation, my review of the investigative file, and from my conversations with, and review of reports of, other law enforcement officers and agents.

4. Additionally, upon GRILLO's arrest, law enforcement agents recovered a Knights of Columbus jacket that appears to be the same jacket that GRILLO was wearing inside the Capitol Building on January 6, 2021, depicted in the still photos and surveillance footage.

5. Based on the foregoing, I submit that there is probable cause to believe that the defendant PHILIP GRILLO is the Philip Grillo wanted in the District of Columbia.

WHEREFORE, your deponent respectfully requests that the defendant PHILIP GRILLO be removed to the District of Columbia so that he may be dealt with according to law.

Thomas Riordan s/s
THOMAS RIORDAN
Special Agent
Federal Bureau of Investigation

Sworn to before me by telephone this
23rd day of February, 2021

Robert Levy
THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK